

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

DAVID PEER,

Defendants.

8:13CR106

MEMORANDUM AND ORDER

This matter is before the Court on defendant's motion to reconsider, [Filing No. 556](#), the Court's ruling, [Filing No. 554](#), denying his motion for compassionate release. Since that denial, counsel for the defendant has submitted additional information for the Court to consider. The Court ordered probation to conduct a review of the proposed home confinement and asked the government to respond to the motion to reconsider. [Filing No. 558](#). Both have responded. Filing Nos. 560 and 562.

Mr. Peer now requests that this Court consider his father as a place for his home confinement. Mr. Peer's father confirmed he is willing and able to assist his son. His son could reside at his secondary residence in Juliette, Idaho. This is in a remote area with no access to the internet. The District of Idaho did a walkthrough of the home and confirmed it was remote, there was no internet access and it appeared to be a suitable residence, if the Court chooses to release Mr. Peer. However, they could not accommodate the Victim Awareness Class.

Probation recommends that the motion for compassionate release be denied, as it involves child pornography, it is Mr. Peer's second offense, and he received the mandatory minimum for his offense.

The government responded, likewise arguing that the proposed arrangements do nothing to mitigate the danger presented by this release proposal. Further, the current statistics for FCI Terminal Island show a single COVID-19 positive inmate case and zero staff cases. The government argues that Mr. Peer would benefit from a residential reentry center which would assist him more than finishing out his sentence and transitioning back into society.

The Court will deny defendant's motion for reconsideration for all the reasons set forth herein and in [Filing No. 554](#).

THEREFORE, IT IS ORDERED THAT defendant's motion to reconsider, [Filing No. 556](#), is now denied.

Dated this 21st day of December, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge